



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/696,371

10/28/2003

Paramjit Kahlon

OIC0098US

6773

60975 7590 03/11/2008
CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

EXAMINER

DANNEMAN, PAUL

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

03/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,371	Applicant(s) KAHLON ET AL.	
	Examiner PAUL DANNEMAN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in response to the application filed on 28 October 2003.
2. Claims 1-33 have been examined.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. **Claims 1-33** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-32 of copending Application No. 10/696,097. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: ***Both applications are directed to translating data from an inventory management system to a data form which is usable by another application. A modification of the present application to include the limitations of the '097 application would have been obvious to one of ordinary skill in the art and would not have yielded any unpredictable results.***

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. **Claims 1-3 and 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cross Access.
8. **Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

Claims 1-3, and 9-11:

With regard to the limitations:

- ***Extracting inventory information in the 1st form.***
- ***Converting inventory information from the 1st form to the 2nd form.***
- ***Converting inventory information from the 2nd form into the Target form.***
- ***Using Target form inventory information to create and update a Target Computerized Inventory Management System (CMIS).***

Cross Access in at least the abstract discloses the introduction of middleware (SERIESfour) that enables the connecting of non-relational data and metadata from mainframe environments with distributed systems to satisfy the need to integrate 70 percent of today's business-critical data residing on mainframes with IT (Information Technology) initiatives like data marts and ERP applications. Cross Access further discloses that users can transparently access their disparate mainframe data stores then use CrossAccess' mapping and translation abilities to forward both the data and metadata into common desktop application, data mart tools or a LAN-based relational database. Cross Access in at least paragraph[4] further discloses that with CrossAccess it is now possible for business users to natively access critical data resources with

leading applications, ranging from Microsoft® Office to high-powered decision support tools like Impromptu and Business Objects. Cross Access in at least paragraph [9] further discloses that with DataMapper™, a user can automate the mapping of non-relational data structures to logical relational tables, while maintaining the structural integrity of the underlying file or database. Cross Access in at least paragraph [10] further discloses that the SERIESfour middleware integrates with hundreds of ODBC (Open Database Connectivity) compliant tools including IBM's DataJoiner™ enabling users to join and access data from various sources on multiple platforms. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to conclude that Cross Access is middleware which converts or translates data from one form to another form in a manner equivalent to applicant's invention.

9. **Claims 4-8, 12-20 and 29-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cross Access as applied to claims 1-3 and 9-11 above, and further in view of Hughes, US 6,889,260 B1.

Claims 4-8, 12-20 and 29-33:

With regard to the limitations:

- ***2nd data form includes a hierarch of inventory data elements for a product or item.***
- ***Data elements defined by their source and destination.***
- ***Purchase order information elements are identified.***

Cross Access in at least paragraph [11] discloses its middleware product being used for ERP data migrations, but is largely silent about the ERP data elements per se. However, Hughes in at least Figs.4A and 4B and Column 5, lines 62-67 and Column 6, lines 1-9 discloses an example of a metadata building process where application-specific data definitions that define data elements are displayed to the user. Hughes in at least Figs. 8 through 11, Column 10, lines 8-32 and Column 11, lines 36-48 further discloses the creation of a source-to-target mapping of a purchase order with the various elements of a purchase order, the data conversion where incompatible data was transmitted, received and used by the target application. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to combine the legacy data translation

to relational database capabilities of Cross Access with the known features of Hughes for transferring information from one application to another to achieve known predictable results.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Singer, US 6,178,418 B1 teaches a distributed data warehouse query and resource management system.
 - Elderon et al., US 6,912,719 B2 teaches a type description metamodel.
 - Kouchi et al., US 6,631,382 B1 teaches a data retrieval method and apparatus with multiple source capability.
 - Kappelhoff, Ralph, Integration of ERP to the final control elements. ISA Transactions, Vol.36, No.4, pp229-238, 1998. Downloaded from http://www.sciencedirect.com/science?_ob=PublicationURL&_stockkey=%23TOC%235736%231997%23999639995%2315251%23FLP%23&_cdi=5736&_pubType=J&_auth=y&_acct=C000055109&_version=1&_urlVersion=0&_userid=2502287&md5=e6a55bb2c28d633873da6f81e8f95d1a&jchunk=xxx.
 - Hardwick, Martin, Sharing Manufacturing Information in Virtual Enterprises. Communications of the ACM, Vol.39, Issue 2, pp 46-54, February 1996. Downloaded from <http://delivery.acm.org/10.1145/240000/230803/p46-hardwick.pdf?key1=230803&key2=1368073021&coll=GUIDE&dl=GUIDE&CFID=56170646&CFTOKEN=78167776>.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

22 February 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627